

ELECTRONICALLY FILED  
August 1, 2006

1 STUTMAN, TREISTER & GLATT, P.C.  
2 FRANK A. MEROLA  
(CA State Bar No. 136934)  
3 EVE H. KARASIK  
(CA State Bar No. 155356)  
4 ANDREW M. PARLEN  
(CA State Bar No. 230429), Members of  
1901 Avenue of the Stars, 12<sup>th</sup> Floor  
5 Los Angeles, California 90067  
Telephone: (310) 228-5600  
6 Facsimile: (310) 228-5788  
7 Email: [fmerola@stutman.com](mailto:fmerola@stutman.com)  
[ekarasik@stutman.com](mailto:ekarasik@stutman.com)  
[aparlen@stutman.com](mailto:aparlen@stutman.com)

SHEA & CARLYON, LTD.  
JAMES PATRICK SHEA  
(Nevada State Bar No. 000405)  
CANDACE C. CARLYON  
(Nevada State Bar No. 002666)  
SHLOMO S. SHERMAN  
(Nevada State Bar No. 009688)  
233 South Fourth Street, Second Floor  
Las Vegas, Nevada 89101  
Telephone: (702) 471-7432  
Facsimile: (702) 471-7435  
Email: [jshea@sheacarlyon.com](mailto:jshea@sheacarlyon.com)  
[ccarlyon@sheacarlyon.com](mailto:ccarlyon@sheacarlyon.com)  
[ssherman@sheacarlyon.com](mailto:ssherman@sheacarlyon.com)

8  
9 Counsel for the Official Committee Of  
Equity Security Holders Of USA Capital First Trust Deed Fund, LLC

10  
11 UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

12 In re:	)	BK-S-06-10725-LBR
13 USA COMMERCIAL MORTGAGE COMPANY,	)	Chapter 11
14 Debtor.	)	
15 In re:	)	BK-S-06-10726-LBR
16 USA CAPITAL REALTY ADVISORS, LLC,	)	Chapter 11
17 Debtor.	)	
18 In re:	)	BK-S-06-10727-LBR
19 USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,	)	Chapter 11
20 Debtor.	)	
21 In re:	)	BK-S-06-10728-LBR
22 USA CAPITAL FIRST TRUST DEED FUND, LLC,	)	Chapter 11
23 Debtor.	)	
24 Affects	)	BK-S-06-10729-LBR
25 <input type="checkbox"/> All Debtors	)	Chapter 11
<input type="checkbox"/> USA Commercial Mortgage Co.	)	
<input type="checkbox"/> USA Securities, LLC	)	
<input type="checkbox"/> USA Capital Realty Advisors, LLC	)	
<input type="checkbox"/> USA Capital Diversified Trust Deed	)	
<input checked="" type="checkbox"/> USA First Trust Deed Fund, LLC	)	
		<u>Hearing</u>
		Date: August 31, 2006
		Time: 9:30 a.m.
		Place: Courtroom #1

26  
27  
28 **NOTICE OF OMNIBUS OBJECTION OF THE OFFICIAL COMMITTEE OF EQUITY  
SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND, LLC TO  
MISFILED CLAIMS (AFFECTS DEBTOR USA CAPITAL FIRST TRUST DEED FUND,  
LLC AND CLAIMANTS MELANIE COWAN, ROSS DELLER, BRENDA FALVAI,  
FRIEDA MOON, EDWARD J. AND DARLENE A QUINN, AND SHARON C. VAN ERT)**

1                   **PLEASE TAKE NOTICE** that on August 1, 2006, the "**Omnibus Objection Of**  
 2 **The Official Committee Of Equity Security Holders Of USA Capital First Trust Deed Fund,**  
 3 **LLC To Misfiled Claims**" (the "Objection") was filed by the Official Committee of Equity  
 4 Security Holders of USA Capital First Trust Deed Fund, LLC (the "FTDF Committee"). Pursuant  
 5 to the Objection, the FTDF Committee seeks the disallowance of certain proofs of claim (the  
 6 "Wrong Debtor Claims") on the grounds that such claims have been erroneously filed against the  
 7 USA Capital First Trust Deed Fund, LLC ( the "FTDF") and that the FTDF has no liability on  
 8 account of such claims. By the Objection, the FTDF Committee does not seek to prejudice the  
 9 rights of any of the claimants who filed Wrong Debtor Claims (the "Claimants") to recover from  
 10 other Debtors in the Chapter 11 cases on account the liabilities asserted in the Wrong Debtor  
 11 Claims, nor does the FTDF Committee seek to prejudice the right of Claimants to file proofs of  
 12 claim that are based on outstanding debts that the FTDF may owe to them. The Wrong Debtor  
 13 Claims and the requested treatment of such claims by the FTDF Committee are as follows:

14 <b>Claim</b> 15 <b>No.</b>	16 <b>Claimant</b>	17 <b>Date</b> 18 <b>Filed</b>	19 <b>Claim</b> 20 <b>Amount</b>	21 <b>Comments</b>	22 <b>Proposed</b> 23 <b>Disposition</b>
24                   3	25                   Frieda Moon, 26                   Trustee of the 27                   Decedent's 28                   Trust of the Restated Moon Irrevocable Trust Dated 6/12/1987	29                   May 22, 30                   2006	31                   \$37,860.24	32                   While Claimant is a 33                   FTDF Member, the 34                   supporting 35                   documentation 36                   attached to the proof 37                   of claim indicates that 38                   the basis of this claim 39                   is the Claimant's direct 40                   loan to Bay Pompano Beach, LLC.	41                   Disallow in its 42                   entirety.
43                   4	44                   Frieda Moon, 45                   Trustee of the 46                   Decedent's 47                   Trust of the Restated Moon Irrevocable Trust Dated 6/12/1987	48                   May 22, 49                   2006	50                   \$51,033.34	51                   While Claimant is a 52                   FTDF Member, the 53                   supporting 54                   documentation 55                   attached to the proof 56                   of claim indicates that 57                   the basis of this claim 58                   is the Claimant's direct 59                   loan to Homes for America Holding.	60                   Disallow in its 61                   entirety.

1	5	Frieda Moon, an unmarried woman and Sharon C. Van Ert, an unmarried woman, as joint tenants with right of survivorship	May 23, 2006	\$51,033.34	Claimant is not a FTDF Member nor is she otherwise connected to the FTDF. Proof of claim appears to be based on various loans made by Claimant through USACM.	Disallow in its entirety.
2	8	Frieda Moon, an unmarried woman and Sharon C. Van Ert, an unmarried woman, as joint tenants with right of survivorship	May 23, 2006	\$51,076.38	Claimant is not a FTDF Member nor is she otherwise connected to the FTDF. Proof of claim appears to be based on a loan made to Marlton Square Associates, LLC.	Disallow in its entirety.
3	9	Frieda Moon, Trustee of the Decedent's Trust of the Restated Moon Irrevocable Trust Dated 6/12/1987	May 23, 2006	\$51,076.38	While Claimant is a FTDF Member, the supporting documentation attached to the proof of claim indicates that the basis of this claim is the Claimant's direct loan to Castaic Partners III, LLC.	Disallow in its entirety.
4	10	Frieda Moon, Trustee of the Decedent's Trust of the Restated Moon Irrevocable Trust Dated 6/12/1987	May 23, 2006	\$25,538.20	While Claimant is a FTDF Member, the supporting documentation attached to the proof of claim indicates that the basis of this claim is the Claimant's direct loan to BarUSA, LLC.	Disallow in its entirety.

1	11	Brenda Falvai	June 2, 2006	\$50,933.34	Claimant is not a FTDF Member nor otherwise connected to the FTDF. Proof of claim appears to be based on a loan made to Del Valle Capital Corporation, Inc.	Disallow in its entirety.
2	12	Brenda Falvai	June 2, 2006	\$50,972.22	Claimant is not a FTDF Member nor otherwise connected to the FTDF. Proof of claim appears to be based on a loan made to Glendale Tower Partners, LLC.	Disallow in its entirety.
3	13	Brenda Falvai	June 2, 2006	\$50,933.34	Claimant is not a FTDF Member nor otherwise connected to the FTDF. Proof of claim appears to be based on a loan made to John and Carol King.	Disallow in its entirety.
4	14	Brenda Falvai	June 2, 2006	\$50,933.34	Claimant is not a FTDF Member nor otherwise connected to the FTDF. Proof of claim appears to be based on a loan made to John and Carol King.	Disallow in its entirety.
5	15	Brenda Falvai	June 2, 2006	\$37,860.24	Claimant is not a FTDF Member nor otherwise connected to the FTDF. Proof of claim appears to be based on a loan made to Bay Pompano Beach, LLC.	Disallow in its entirety.
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						

1	18	Melanie Cowan	June 23, 2006	\$100,000.00	Claimant is not a FTDF Member nor otherwise connected to the FTDF. Proof of claim appears to be based on loans made to Homes for America Holding and Eagle Meadows Development, Ltd.	Disallow in its entirety.
2	21	Ross Deller	June 23, 2006	\$50,000.00	Claimant is not a FTDF Member nor otherwise connected to the FTDF. Proof of claim appears to be based on investment in the DTDF.	Disallow in its entirety.
3	22	Ross Deller	June 23, 2006	\$120,000.00	Claimant is not a FTDF Member nor otherwise connected to the FTDF. Proof of claim appears to be based on a loan made to Roam Development Group, L.P.	Disallow in its entirety.
4	23	Ross Deller	June 23, 2006	\$50,000.00	Claimant is not a FTDF Member nor otherwise connected to the FTDF. Proof of claim appears to be based on investment in DTDF.	Disallow in its entirety.
5	24	Ross Deller	June 23, 2006	\$100,000.00	Claimant is not a FTDF Member nor otherwise connected to the FTDF. Proof of claim appears to be based on investment in the DTDF.	Disallow in its entirety.
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						

1	27	Edward J. Quinn and Darlene A. Quinn	July 24, 2006	\$156,388.48	Claimant is not a FTDF Member nor otherwise connected to the FTDF. Proof of claim appears to be based on loans made to Freeway 101 USA Investors, LLC, LCG Gilroy, LLC, and Bay Pompano Beach, LLC.	Disallow in its entirety.
2	28	Edward J. Quinn and Darlene A. Quinn	July 26, 2006	\$156,388.48	Claimant is not a FTDF Member nor otherwise connected to the FTDF. Proof of claim appears to be based on loans made to Freeway 101 USA Investors, LLC, LCG Gilroy, LLC, and Bay Pompano Beach, LLC.	Disallow in its entirety.
3	29	Edward J. Quinn and Darlene A. Quinn	July 26, 2006	\$156,388.48	Claimant is not a FTDF Member nor otherwise connected to the FTDF. Proof of claim appears to be based on loans made to Freeway 101 USA Investors, LLC, LCG Gilroy, LLC, and Bay Pompano Beach, LLC.	Disallow in its entirety.

**PLEASE TAKE FURTHER NOTICE** that the hearing on the Objection will be held before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on August 31, 2006, at the hour of 9:30 a.m.

**PLEASE TAKE FURTHER NOTICE** that any response to the Objection must be filed by August 24, 2006 pursuant to Local Rule 3007(b), which states:

If an objection to a claim is opposed, a written response must be filed and served on the objecting party at least 5 business days before the scheduled hearing. A response is deemed sufficient if it states that written documentation in support of the proof of claim has already been provided to the objecting party and that the documentation will be provided at any evidentiary hearing or trial on the matter.

1           If you object to the relief requested, you *must* file a **WRITTEN** response to this  
2 pleading with the court. You *must* also serve your written response on the person who sent you  
3 this notice.

4           If you do not file a written response with the court, or if you do not serve your  
5 written response on the person who sent you this notice, then:

- 6           !       The court may *refuse to allow you to speak* at the scheduled hearing; and  
7           !       The court may *rule against you* without formally calling the matter at the  
8 hearing.

9  
10          DATED: August 1, 2006

  
11           Andrew M. Parlen, Esq.  
12           Stutman, Treister & Glatt  
13           Professional Corporation  
14           Counsel to the Official Committee of Equity  
15           Security Holders of USA Capital First Trust  
16           Deed Fund, LLC